

Assembly Bill No. 111

CHAPTER 402

An act to amend Sections 2152 and 42685 of the Food and Agricultural Code, relating to agriculture.

[Approved by Governor September 2, 1997. Filed
with Secretary of State September 2, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 111, Battin. Agriculture.

(1) Existing law sets forth the qualifications for, and provides for the appointment of, each county agricultural commissioner by the board of supervisors of that county. Existing law also requires the Secretary of Food and Agriculture, when a vacancy in the office of commissioner occurs, to immediately transmit to the board of supervisors or other appointing power a list of persons who are licensed by the secretary to be eligible for the position. Existing law provides that if the appointing power fails to appoint a commissioner from the list within 30 days after receipt of the list, the secretary is required to appoint a commissioner from that list.

This bill would revise this latter provision by requiring the secretary to appoint a commissioner from the list if the appointing power fails to appoint a commissioner within 60, rather than 30, days after receipt of the list of eligible persons.

(2) Under existing law, in effect until January 1, 1998, upon recommendation of the county agricultural commissioner and upon making a finding that extraordinary circumstances have resulted in the need for inspection of imported fruits, nuts, or vegetables, the board of supervisors of a county is authorized to establish a schedule of fees to be charged to the importer, by the commissioner, for the recovery of costs connected with the commissioner's inspection.

This bill would continue that existing law beyond January 1, 1998, by deleting the repeal date.

(3) The bill also would make technical, nonsubstantive changes, by referring to the secretary, rather than to the director, of the Department of Food and Agriculture.

The people of the State of California do enact as follows:

SECTION 1. Section 2152 of the Food and Agricultural Code is amended to read:

2152. If, within 60 days after the receipt of the list of persons who are licensed, the appointing power fails to appoint a commissioner from the list, the secretary shall appoint a commissioner from the list.

SEC. 2. Section 42685 of the Food and Agricultural Code is amended to read:

42685. (a) Upon recommendation of the commissioner and upon making a finding that extraordinary circumstances have resulted in the need for inspection of imported fruits, nuts, or vegetables pursuant to this division, the board of supervisors of a county may establish a schedule of fees to be charged to the importer, by the commissioner, for the recovery of costs connected with the commissioner's inspection in order to assure compliance with this division. This authority applies only to inspections conducted at ports of entry or points of initial availability inspected by the commissioner.

(b) (1) The authority of the board of supervisors to establish a schedule of fees under this section applies only when a mandatory inspection or certification program presently exists in the state for the same commodity and where a fee is collected pursuant to authority granted in Article 5 (commencing with Section 42761) or Article 6 (commencing with Section 42791).

(2) In no case may the fees established for inspection of imported fruits, nuts, and vegetables exceed the fees set for the mandatory inspection or certification program.

(3) The secretary may adopt regulations, including, but not limited to, establishing recommended county enforcement cost recovery fees.

(c) In addition to any other penalties available under the law, the commissioner may place a hold order on any lot of fruits, nuts, or vegetables on which he or she has assessed a fee pursuant to this section if the importer has failed to pay that fee.

